

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT HENRY NELSON, III,

Defendant.

7:13-cv-00539

Case No. 1:10CR00002-028

ORDER

By: James P. Jones
United States District Judge

For the reasons set forth in the Opinion accompanying this Order, it is ORDERED that the defendant's "PETITIONER'S REQUEST FOR A NUNC PRO TUNC ORDER" (ECF No. 1663) is DENIED; the defendant's submission is CONSTRUED as a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; the Clerk is DIRECTED to docket the pleading (ECF No. 1663) as a § 2241 petition, along with this Order, in a separate civil action for administrative reasons only; and that civil action under § 2241 is hereby DISMISSED without prejudice and stricken from the active docket of the court.

ENTER: November 13, 2013

/s/ James P. Jones
United States District Judge